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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the 27th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 May 2014, at 10 a.m.

Chairperson: Mr. Kedzia

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Second periodic report of Serbia

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Serbia (E/C.12/SRB/2; HRI/CORE/SRB/2010; E/C.12/SRB/Q/2; E/C.12/SRB/Q/2/Add.1)

1. *At the invitation of the Chairperson, the delegation of Serbia took places at the Committee table.*

2. **Ms. Paunovic** (Serbia) said that, during the reporting period, Serbia had adopted numerous human rights laws and had acceded to many international human rights instruments, including the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, as well as the Council of Europe conventions on action against trafficking in human beings, the protection and promotion of the diversity of cultural expressions, the protection of children against sexual exploitation and sexual abuse, and preventing and combating violence against women and domestic violence.

3. Although it was clear from Security Council resolution 1244 (1999) that Kosovo and Metohija was an integral part of the territory of the Republic of Serbia, the latter could not ensure the fulfilment of economic, social and cultural rights in Kosovo, the administration of which was entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK).

4. The Serbian Constitution specified that all citizens were equal before the law and that everyone had the right to equal protection by the law, without discrimination. Hence any special measures that Serbia might introduce to secure the full equality of persons or groups of persons who were in an unequal position should not be considered discriminatory. In March 2009, Serbia had adopted the Law on the Prohibition of Discrimination which set forth a wide range of prohibited grounds for discrimination. Under the Law, citizens whose rights had been violated could either file a complaint or report the matter to an independent body, the Commissioner for The Protection of Equality. Discrimination had been criminalized, and the Law stipulated that certain offences prompted by hatred based on race or religion, national or ethnic origin, gender, sexual orientation or sexual identity constituted an aggravating circumstance. In June 2009, the Government, in cooperation with civil society, had drafted a strategy for the prevention of and protection against discrimination in order to improve the status of nine vulnerable groups which were often victims of discrimination, namely women, children, persons with disabilities, older persons, members of the lesbian, gay, bisexual and transgender (LGBT) community, members of national minorities, refugees, internally displaced persons and members of other migrant groups.

5. The 2011 census had recorded 147,604 Roma, who therefore made up 2.05 per cent of the population, but some estimates put their number at as many as 250,000. In 2009, Serbia had adopted a strategic and institutional framework aimed at that population group's advancement as well as its full inclusion and due representation in society. It also sought to ensure that Roma did not suffer from discrimination in areas such as education, housing or employment, and had access to social protection, health care and culture, inter alia. The Government had established the Office for Human and Minority Rights in August 2012 and the Council for the Advancement of Roma in June 2013. Serbia had the highest number of refugees (57,247) and internally displaced persons (209,112) in Europe. It had adopted the Strategy on the Sustainable Return to Kosovo and Metohija in 2009 and the 2011–2014 National Strategy for Resolving the Problems of Refugees and Internally Displaced

Persons. In addition, Serbia had adopted a law preventing discrimination against persons with disabilities and a law on gender equality to protect such persons against discrimination in various sectors, such as employment.

6. Serbia, which was a member of the International Labour Organization (ILO), had ratified a number of conventions on minimum wages, weekly rest, paid leave and compensation for workers in the event of an industrial accident or occupational disease. Under the Labour Act, all employees working for the same employer should receive equal remuneration for work of equal value. Moreover, the Labour Act prohibited the dismissal of a union representative during his or her term of office, or during the year following the end of his or her term of office. In early 2014, the total unemployment rate had been 20.8 per cent. The right to join a trade union was enshrined in the Constitution, and the procedure for registering unions was simple and identical for all. The right to strike was also guaranteed by the Constitution, as was the right to social protection (retirement, pension, disability, health and unemployment insurance) and social security. The Constitution prohibited children under the age of 15 from working; it was possible to employ children over the age of 15, provided they did not engage in work that could undermine their health or morals.

7. The Family Act prohibited domestic violence and established a special court procedure to ensure legal protection for families. In 2011, Serbia had adopted the National Strategy for the Prevention and Combating of Domestic and Intimate Partner Violence against Women, as well as a general protocol for action which, for the first time ever, regarded children who had witnessed domestic violence as victims of family violence. The Constitution also guaranteed the protection of citizens' physical and psychological health. Furthermore, it made primary education compulsory and established the right to secondary education. In order to fight segregation, it had been decided that members of national minorities could pursue their studies in Serbian or in their mother tongue or follow a bilingual programme. Lastly, the Constitution embodied the right to scientific and artistic creation.

8. **Mr. Sadi** (Country Rapporteur) asked whether the Covenant, which had been incorporated into domestic legislation, had already been relied upon in and applied by the courts. He wished to know whether the Commissioner for the Protection of Equality and the Protector of Citizens were institutions consistent with the Paris Principles and whether the fact that the State party had established a human and minority rights mediator meant that minority rights posed a problem in Serbia. He asked whether the Law on the Prohibition of Discrimination complied with the requirements of article 2 (2) of the Covenant and whether it had already served as the basis of court decisions. He would welcome further details on the cases mentioned in paragraph 26 of the State party's replies to the list of issues in which the Law on the Prohibition of Discrimination Act and the Law on the Prevention of Discrimination against Persons with Disabilities had been invoked in court. He welcomed the fact that the State party had acknowledged on several occasions that its policies had not always led to better implementation of the Covenant, or to greater respect of the rights it afforded, that had been the case, for example, of privatization policies that had been blamed for slower growth and high unemployment.

9. He requested additional information on the legislative measures that the State party had taken and on the strategies it had devised to combat hate crimes based on ethnic intolerance, which were still widespread. With respect to paragraph 54 of the replies to the list of issues, he asked whether, in practice, subsidies had been granted to employers who employed up to 20 Roma. Finally, he wished to know why the Gender Equality Council had met only three times since 2004.

Articles 1–5 of the Covenant

10. **Mr. Kerdoun**, referring to the measures taken by Serbia to fight corruption, asked whether its scale was such that it hampered the population's enjoyment of its economic, social and cultural rights. He also asked which sectors of activity, public services or businesses were particularly affected by corruption. He enquired about the nature of the sanctions handed down to persons who had contravened anti-corruption legislation and wished to know whether certain cases of corruption had been well-publicized.

11. **Ms. Bras Gomes** wished to know what measures were envisaged under the Sustainable Development Strategy to address the adverse effects of intensive industrialization and urbanization. She referred to a study conducted by the Commissioner for the Protection of Equality in 2012 which had found that many people were unaware that discrimination was prohibited by law in Serbia and that 55 per cent of those who were familiar with the legislation considered that it was not applied properly and she asked what could be done to raise awareness of the existing legislation.

12. **Mr. Schrijver** wished to know how the Serbian Government currently viewed the status of Kosovo. What were the countries of origin of the refugees in Serbian territory? Did many of them wish to settle there? He was surprised that so few people had obtained refugee status in Serbia in spite of the new law on asylum and wished to know why that was so. He asked whether the children of refugees could exercise their right to education and whether they were integrated into ordinary schools when they stayed in the country for a lengthy period.

13. **Mr. Atangana** welcomed Serbia's replies to the experts' concluding observations on the previous report and asked why they addressed only observation 39 et seq. He also asked who chaired the body responsible for monitoring the independence of the judiciary in Serbia.

14. **Ms. Shin** wished to know how many non-governmental organizations (NGOs) were active in the area of economic, social and cultural rights in Serbia and what contribution they had made to the drafting of the report. She asked whether NGOs were involved in the preparation and evaluation of policies and legislative reforms. She also wished to know whether the complaints of discrimination filed with the Protector of Citizens had been classified according to their grounds, a step which would show the areas where improvements were needed. She wished to know why the national institution could not work with the international human rights system or with civil society. She noted that the requisite measures to achieve gender equality had been taken and that bodies had been set up for that purpose. Nevertheless, noting that the Directorate for Gender Equality employed only five people and that the Gender Equality Council had met only three times in 10 years, she asked what obstacles prevented such bodies from operating efficiently.

15. **Mr. Abashidze** asked whether there were any technical or ideological barriers in Serbia that prevented minorities from obtaining minority status. With regard to the aging population, he noted that the statutory retirement age was 65 for men and 60 for women in the State party, while life expectancy for men was 69.5 and 75 for women. He thought that the retirement age for men ought to be lowered in order to respect the principle of gender equality and non-discrimination.

16. **Mr. Abdel-Moneim** asked whether the figures in tables 10 and 11 of Serbia's core document for the period 2005–2008 (consolidated public expenditures by sector – structure by functional classification) showed government expenditures or public expenditures in general. He asked what fell under the "economic activities" category in those tables.

Articles 6–9 of the Covenant

17. **Mr. Ribeiro Leão** asked what steps had been taken to combat informal work and wished to know how the National Employment Strategy would counter discriminatory attitudes and practices that prevented Roma from finding employment in the public and private sectors. He would appreciate further details on how the minimum wage was calculated and on its periodic review. He enquired about the way in which data on workplace safety, health and hygiene was collected and about strategies to deal with problems that had been detected. He also asked what measures had been taken to promote the right to form trade unions in the private sector and wished to know whether the right to strike of workers in non-essential sectors was restricted and what services were considered essential in the public sector. Finally, he enquired about the measures taken to guarantee access to social security for children without families and households in crisis.

18. **Ms. Bras Gomes**, noting that there was still a significant gap between the employment and labour force participation rates of men and women, asked what the Government intended to do to reduce it. She wished to know whether the Serbian Government planned to satisfy the claims of the employees of State-owned enterprises which had been privatized who had filed applications with the European Court of Human Rights, seeking the payment of arrears of wages and social security benefits. She asked what social protection was granted to recipients of unemployment benefits during the three-month waiting period that was imposed following the receipt of six months of benefits.

19. **Mr. Schrijver**, referring to the alarming level of unemployment in Serbia, requested information on youth unemployment and on the steps taken to help young people join the labour market. He wished to know the reasons behind the large number of trade unions in the public sector and the low rate of union membership in the private sector.

20. **Ms. Cong**, noting that employment subsidies in the private sector had not produced the expected results, asked what measures the Government envisaged taking to improve the situation. She asked why very few Roma drew social security benefits and wished to know whether they were informed of their rights.

21. **Mr. Martynov** asked for further details of the new Employment Strategy and whether it sought to reduce regional disparities in terms of employment and development. He requested the inclusion of information on the effects of the Strategy in Serbia's next periodic report. He was surprised by the fact that the State party, which had ratified the Convention on the Rights of Persons with Disabilities five years earlier, had managed to draft a strategy for such persons and to give them access to social protection, even though it did not know how many persons with disabilities were living in its territory, and asked whether the Government intended rapidly to create a database on persons with disabilities. Moreover, he noted that the unemployment rate for persons with disabilities was a very low 14 per cent, owing to their extremely poor labour force participation rate, a situation suggesting that the State party was insufficiently committed to fostering the social integration of persons with disabilities.

22. When the State party's previous report had been considered, the Committee had expressed its concern over the low level of unemployment benefits. He wished to know what the current level of such benefits was and what percentage of the unemployed received them. In 2005, the Committee had also expressed its concern over strict retirement pension requirements, which had become even tighter in 2010. What had been the effects of that legislation? How many people had lost their rights to a retirement pension? He enquired about arrangements for implementing comprehensive compulsory insurance also covering the self-employed and farmers, as to whether it included workers in the informal sector and to whom the voluntary insurance mentioned by the delegation applied. Finally,

he asked for information regarding labour inspection, the number of inspectors and the procedure followed.

The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.

23. **Ms. Paunovic** (Serbia) said that, in collaboration with the Country Office of the High Commissioner for Human Rights (OHCHR), Serbia was preparing to set up a body to monitor the implementation of the treaty bodies' concluding observations. A body to coordinate public policy had been established.

24. **Ms. Mohorovic** (Serbia) said that the provisions of the Covenant were incorporated into legislation, but she had no information on whether the Covenant had been invoked as such in court decisions. The High Judicial Council, which consisted of 11 members and over which the President of the Court of Cassation presided, was the highest judicial body. The Protector of Citizens and the Commissioner for the Protection of Equality were independent bodies for the protection of human rights that could receive complaints filed for various reasons, such as the failure to respect certain economic, social and cultural rights. Moreover, the second periodic report of Serbia had been drafted in cooperation with civil society organizations.

25. Serbia currently had 23 collective centres for refugees and internally displaced persons which were due to be closed in the next three years. The refugees were primarily from Bosnia and Herzegovina. Much had been done to integrate them, and most of them had become citizens of the Republic of Serbia. The Regional Housing Programme, established under the Sarajevo process on refugees and displaced persons, was a joint initiative of Bosnia and Herzegovina, Montenegro, Croatia and the Republic of Serbia to provide refugees and displaced persons with lasting housing solutions. During the donors' conference held in Sarajevo in April 2012, contributions in the amount of 261 million euros had been pledged for the programme.

26. **Ms. Ivanovic** (Serbia) said that the Gender Equality Council, which had been established in 2004, met every month inter alia to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence, which Serbia had ratified in 2013, and the Convention on the Elimination of All Forms of Discrimination against Women.

27. The Office for Human and Minority Rights had a specialized unit for improving the position of Roma in society. Moreover, its assistant director was from the Roma community. Ministries had to employ two members of the Roma community in posts which could influence policy on minorities. The country had a strategy for improving the status of Roma and a relevant action plan.

Articles 10–12 of the Covenant

28. **Mr. Ribeiro Leão** asked whether there was a strategy or plan to fight poverty and whether the authorities' action was aimed at eradicating absolute poverty and/or relative poverty.

29. **Mr. Pillay** would appreciate additional information on the results of the fight against poverty in rural areas and among the Roma, on the implementation of the second national action plan to improve housing conditions for Roma (2009–2016), and on legal provisions on forced evictions.

30. **Ms. Ravenberg** asked the delegation to provide disaggregated data on health care for refugees, internally displaced persons and asylum seekers, to describe the measures taken to ensure access to mental health services and rehabilitation for victims of physical and sexual violence, and to provide information on the number of children living with HIV/AIDS in the State party and on the measures adopted to provide them with the medical

attention they required. She wished to know what strategies were in place to ensure long-term care for older persons and to avoid placing persons with mental illnesses in institutions. She also wished to know whether the mental health-care network for children and adolescents was tailored to their needs.

31. **Mr. Kerdoun** wished to have more information on the use of water in rural areas and on the way in which the authorities intended to overcome the lack of drinking water in rural areas.

32. **Mr. Atangana** enquired about the measures taken to combat domestic violence, which, according to some sources, still existed and was on the rise again, and about steps to improve birth registration, particularly in rural areas, among the Roma and displaced persons.

33. **Mr. Abashidze** would welcome further information on the system used to establish a minimum subsistence level and wished to know whether inflation was among the factors taken into account when calculating it.

34. **Mr. Sadi** (Country Rapporteur) wished to know the reasons for the large number of cases of ill-treatment and neglect of children and asked for data on child labour in the informal economy, especially data on Roma children.

The meeting rose at 1 p.m.